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Attorneys for Defendants  
COUNTY OF SANTA CLARA and SANTA  
CLARA COUNTY PUBLIC HEALTH  
DEPARTMENT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CALIFORNIA RESTAURANT  
ASSOCIATION,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN  
FRANCISCO and THE SAN  
FRANCISCO DEPARTMENT OF  
PUBLIC HEALTH,

Defendants.

No. CV-08-3247CW

CALIFORNIA RESTAURANT  
ASSOCIATION,

Plaintiff,

v.

THE COUNTY OF SANTA CLARA  
and THE SANTA CLARA COUNTY  
PUBLIC HEALTH DEPARTMENT,

Defendants.

No. C08-03685 RS

**DECLARATION OF TAMARA LANGE IN  
SUPPORT OF ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
CASES SHOULD BE RELATED**

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1 I, TAMARA LANGE, do declare that:

2 1. I have personal knowledge of all of the matters stated herein and could testify  
3 truthfully thereto if called to testify.

4 2. I am a Lead Deputy County Counsel with the Office of the County Counsel for the  
5 County of Santa Clara and am licensed to practice in all the courts of the State of California. I  
6 represent defendants COUNTY OF SANTA CLARA and SANTA CLARA COUNTY PUBLIC  
7 HEALTH DEPARTMENT in this action.

8 3. On August 4, 2008, I spoke with Sarah Esmaili of Arnold & Porter LLP, counsel for  
9 Plaintiff California Restaurant Association (CRA). I asked whether CRA would stipulate to a  
10 proposed order relating the cases. Ms. Esmaili asked in that conversation whether the County of  
11 Santa Clara would agree to delay the September 1, 2008 effective date of Santa Clara County  
12 Ordinance No. NS-300.793 (the Ordinance). I explained that only the Board of Supervisors  
13 (Board) can delay the effective date of duly-enacted local laws, including the Ordinance, and  
14 that the Board is not in session again until August 12, 2008.

15 4. In a further conversation on August 5, 2008, Ms. Esmaili informed me that CRA  
16 would be unable to stipulate to relation of the two cases because doing so would create a 10-day  
17 period for decision on the motion to relate, which would in turn delay CRA's ability to obtain a  
18 Court order setting an expedited briefing schedule on their motion for a preliminary injunction.

19 5. In that same conversation on August 5, 2008, I explained to Ms. Esmaili that, given  
20 the voluminous material submitted in support of their motion and the very recent filing of the  
21 litigation, to prepare effectively to file opposition papers, I would need substantially more time  
22 than the three days CRA proposed in their briefing schedule. I further explained that Public  
23 Health Director Martin Fensterscheib, M.D. is out of the office this week and will not be

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1 available to provide the substantive factual and medical information essential to his expert  
2 declaration in support of Defendants' opposition to CRA's motion for a preliminary injunction.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct. Executed at San Jose, California on August 5, 2008.

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7 TAMARA LANGE

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